

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 6

Introduced By: Pahls, 31;
Read first time: Jan 4, 2007
Committee: Judiciary

A BILL

1 FOR AN ACT relating to children; to adopt the Nebraska Safe Haven
2 Act.
3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 10 of this act shall be known and
2 may be cited as the Nebraska Safe Haven Act.

3 Sec. 2. For purposes of the Nebraska Safe Haven Act,
4 designated facility means a hospital, police department, or manned
5 fire station.

6 Sec. 3. The Department of Health and Human Services shall
7 accept any newborn infant thirty days of age or younger voluntarily
8 placed with a designated facility by a parent of the newborn infant
9 or any person designated by such parent for placement into foster
10 care. Such placement by the parent or designated person shall not
11 constitute an automatic termination of parental rights but
12 constitutes abandonment of an infant for purposes of section
13 43-292.02 no less than ninety days after a newborn infant has been
14 placed under this section.

15 Sec. 4. Placement of a newborn infant thirty days of age or
16 younger with a designated facility shall not constitute a finding of
17 abuse or neglect or a violation of any criminal statute for child
18 abuse, neglect, or abandonment. If child abuse or neglect is
19 suspected and is not based solely on the newborn infant having been
20 left in the designated facility, facility personnel shall report the
21 abuse or neglect pursuant to section 28-711.

22 Sec. 5. The designated facility that has received placement
23 of a newborn infant shall immediately notify the Department of Health
24 and Human Services of the placement of the newborn infant at the
25 facility. Upon receipt of such notice, the department shall take
26 immediate custody of the newborn infant and shall initiate all
27 actions authorized by law to achieve the safety and permanent

1 placement of the newborn infant in a manner that is consistent with
2 the best interests of the child.

3 Sec. 6. (1) If a person has received placement of a newborn
4 infant at a designated facility, he or she shall make every effort to
5 solicit the following information from the parent or designated
6 person placing the newborn infant:

7 (a) The location of the newborn infant's birthplace;

8 (b) Information relative to the newborn infant's medical
9 history and his or her biological family's medical history, if
10 available; and

11 (c) Any other information that might reasonably assist the
12 Department of Health and Human Services or the court in determining
13 the best interests of the child, including whether the parent or
14 guardian plans on returning to seek future custody of the child. The
15 person who has received placement of the newborn infant shall
16 encourage the parent or designated person to provide the information,
17 but the parent or designated person is not required to do so. The
18 person who has received placement of a newborn infant shall make
19 every effort to inform the parent or designated person that parental
20 rights may be terminated no less than ninety days after placement of
21 the infant under the Nebraska Safe Haven Act.

22 (2) If a person has received placement of a newborn infant
23 at a designated facility, he or she shall record the name and address
24 of the parent or parents, if such information is offered by the
25 parent or designated person placing the newborn infant. No attempt
26 shall be made to solicit the name and address of the parent or
27 parents of the newborn infant.

1 Sec. 7. The Department of Health and Human Services shall
2 develop and implement a public information program to inform the
3 general public of the Nebraska Safe Haven Act. The department shall
4 also work in conjunction with other departments and agencies of the
5 state and the Nebraska Hospital Association in development of the
6 program. The program may include, but need not be limited to,
7 educational and informational materials in print, audio, video,
8 electronic, and other media, public service announcements and
9 advertisements, and the establishment of a toll-free hotline. The
10 department shall develop a method that would allow the parent of any
11 newborn infant placed under the act to provide information about the
12 medical history of the infant, including family medical history,
13 anonymously.

14 Sec. 8. The Department of Health and Human Services shall
15 explore the possibility of expending funds received from the United
16 States Department of Health and Human Services pursuant to the
17 Promoting Safe and Stable Families Program in order to implement the
18 public information program required by the Nebraska Safe Haven Act
19 and to alleviate the burden such program may have on the department's
20 appropriation from the state. When implementing its public
21 information program, the department shall prioritize those areas of
22 the state that have been identified as having the highest teen
23 pregnancy rates.

24 Sec. 9. (1) The Department of Health and Human Services in
25 conjunction with one designee each from the juvenile court, the Foster
26 Care Review Board, the Family Violence Council, Voices for Children,
27 and the Nebraska Children's Home shall submit a report to the

1 Legislature on the overall effectiveness of the Nebraska Safe Haven
2 Act. Any private or public entity that is affected by the act may
3 also submit a similar report.

4 (2) The report shall include, but not be limited to:

5 (a) An analysis of the act's effectiveness in decreasing
6 the number of newborn infants that are abandoned in an unsafe manner
7 in the state;

8 (b) The department's success or failure in permanently
9 placing in the adoption process any newborn infant placed with a
10 designated facility pursuant to the act;

11 (c) The average length of time that newborn infants remain
12 in foster care after being placed;

13 (d) Any issues arising from the termination of parental
14 rights following the placement of a newborn infant pursuant to the
15 act;

16 (e) The success or failure of any public information
17 campaign implemented by the department pursuant to the act;

18 (f) Any increased administrative burdens that may be placed
19 upon any department or agency of the state as a result of the act;

20 (g) Issues with regard to the eligibility of any newborn
21 infant placed pursuant to the act for federal entitlements such as
22 foster care or adoption subsidies under Title IV-E of the federal
23 Social Security Act as it existed on the effective date of this act,
24 or any other applicable federal law; and

25 (h) The frequency with which a parent placing a newborn
26 infant at a designated facility supplies the facility with information
27 sought under section 6 of this act and any negative effects the lack

1 of information may have had on facilitating the temporary or
2 permanent placement of the child through the foster care or adoption
3 process.

4 (3) The report shall be submitted to the Legislature on or
5 before January 1, 2010.

6 Sec. 10. The Nebraska Safe Haven Act terminates on
7 September 1, 2011.